

**SUBCHAPTER 4
GENERAL PROVISIONS**

295-401. Introduction. The provisions of this subchapter apply to development and uses in all zoning districts unless otherwise noted elsewhere in this chapter.

295-403. Parking. 1. INTRODUCTION. All parking lots and off-street parking spaces shall comply with the requirements of this section.

2. NUMBER OF SPACES. a. Number Required. The number of off-street parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street parking spaces shall be required for uses located in downtown zoning districts. Prior to issuance of any occupancy or construction permit, documentation that the required parking spaces exist shall be provided to the commissioner. For a use where the number of required spaces is "as required by the board for special use approval," the board shall not be bound to require parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.

Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
RESIDENTIAL USES	
Single-family dwelling	no min.; max. of 4 spaces
Two-family dwelling	no min.; max. of 4 spaces on the premises
Multi-family dwelling:	
<u>Zoning Districts</u>	<u>Min. ratio of parking spaces to dwelling units*</u>
RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1	1:1
RT4, RM5, RM6, RM7, RO2, NS2, LB2, RB2, CS, C9A, IM	2:3
* Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.	
Attached single-family dwelling	min. of one space; max. of 4 spaces
Live-work unit	one for each live/work unit in the building
Mobile home	N.A.
Watchman/service quarters	none
Family day care home	see requirement for dwelling unit type
GROUP RESIDENTIAL USES	
Rooming house	one for every 2 rooms

Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
Convent, rectory or monastery	one per facility
Dormitory	one for every 15 beds or fraction thereof
Fraternity or sorority	one for every 2 rooms
Adult family home	one
<i>Foster Homes</i>	
Foster family home	one
Small foster home	one
Group home or group foster home	one
<i>Shelter Care Facilities</i>	
Family shelter care facility	one
Small group shelter care facility	one
Large group shelter care facility	one
Community living arrangement	one
Transitional living facility	one per dwelling unit
EDUCATIONAL USES	
Day care center	None (limited use) or as required by the board (special use)
School, elementary or secondary	none
College	none
School, specialty or personal instruction	none
COMMUNITY-SERVING USES	
Library	none
Cultural institution	none
Community center	as required by the board for special use approval
Religious assembly	one for every 6 seats in the assembly hall
Cemetery or other place of interment	none
Public safety facility	none
Correctional facility	none
COMMERCIAL AND OFFICE USES	
General office	one for each 500 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. of gross floor area in excess of 2,000 sq. ft.; storage or utility spaces shall not be included when calculating gross floor area
Government office	see general office
Bank or other financial institution	see general office
Currency exchange, payday loan or title loan agency	see general retail establishment
Installment loan agency	see general retail establishment
Retail establishment, general	min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-e; storage or utility spaces shall not be included when calculating gross floor area
Garden supply or landscaping center	see general retail establishment
Home improvement center	see general retail establishment
Secondhand store	see general retail establishment
Outdoor merchandise sales	one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale

Table 295-403-2-a	
NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Space Required
Artist studio	none
Adult retail establishment	see general retail establishment
HEALTH CARE AND SOCIAL ASSISTANCE USES	
Medical office	see general office
Health clinic	see general office
Hospital	one for every 4 beds
Medical research laboratory	see general office
Medical service facility	see general office
Social service facility	see general office
Emergency residential shelter	as required by the board for special use approval
Nursing home	one for every 4 beds
GENERAL SERVICE USES	
Personal service establishment	see general office
Business service	see general office
Building maintenance service	see general office
Catering service	see general office
Funeral home	one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces
Laundromat	see general retail establishment
Dry cleaning establishment	see general retail establishment
Furniture and appliance rental and leasing	see general retail establishment
Household maintenance and repair service	see general retail establishment
Tool/equipment rental facility	see general retail establishment
<i>Animal Services</i>	
Animal hospital/clinic	see general retail establishment
Animal boarding facility	see general retail establishment
Animal grooming or training facility	see general retail establishment
MOTOR VEHICLE USES	
<i>Light Motor Vehicle</i>	
Sales facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted or limited use) or as required by the board (special use)
Repair facility	as required by the board for special use approval
Body Shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)
Wholesale facility	none
<i>Heavy Motor Vehicle</i>	
Sales Facility	none (permitted use) or as required by the board (special use)
Rental facility	none (permitted use) or as required by the board (special use)
Repair facility	none (permitted use) or as required by the board (special use)
Body shop	none (permitted use) or as required by the board (special use)
Outdoor storage	none (permitted use) or as required by the board (special use)

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
<i>General Motor Vehicle</i>	
Filling station	as required by the board for special use approval
Car wash	none
Drive-through facility	none
<i>Parking</i>	N.A.
Parking lot, principal use	N.A.
Parking lot, accessory use	N.A.
Parking structure, principal use	N.A.
Parking structure, accessory use	N.A.
Heavy motor vehicle parking lot, principal	N.A.
Heavy motor vehicle parking lot, accessory	N.A.
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	one for each sleeping room, plus one additional space
Hotel, commercial	one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above
Hotel, residential	one for every 2 sleeping rooms
Tavern	see general retail establishment
Assembly hall	one for every 1,000 square feet of gross floor area or fraction thereof
Restaurant, sit-down	see general retail establishment
Restaurant, fast-food/carry-out	see general retail establishment
ENTERTAINMENT AND RECREATION USES	
Park or playground	none
Festival grounds	none
Recreation facility, indoor	see general retail establishment
Recreation facility, outdoor	as required by the board for special use approval
Health club	see general retail establishment
Sports facility	as required by the board for special use approval
Gaming facility	N.A.
Theater	one for every 100 square feet of floor area in the theater auditorium
Convention and exposition center	as required by the board for special use approval
Marina	none
Outdoor racing facility	as required by the board for special use approval
Adult entertainment establishment	see general retail establishment
STORAGE, RECYCLING AND WHOLESALE TRADE USES	
Recycling collection facility	none
Mixed-waste processing facility	none
Material reclamation facility	none
Salvage operation, indoor	none
Salvage operation, outdoor	none
Wholesale and distribution facility, indoor	none
Wholesale and distribution facility, outdoor	none
<i>Storage Facilities</i>	
Indoor	none
Outdoor	none
Hazardous material	none

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE	
Uses	No. of Parking Spaces Required
TRANSPORTATION USES	
Ambulance service	see general office
Ground transportation service	see general office
Passenger terminal	none
Helicopter landing facility	none
Airport	none
Ship terminal or docking facility	none
Truck freight terminal	none
Railroad switching, classification yard or freight terminal	none
INDUSTRIAL USES	
Manufacturing, light	none
Manufacturing, heavy	none
Manufacturing, intense	none
Research and development	none
Processing or recycling of mined materials	none
Contractor's shop	see general office
Contractor's yard	none
AGRICULTURAL USES	
Plant nursery or greenhouse	none
Raising of crops or livestock	none
UTILITY AND PUBLIC SERVICE USES	
Broadcasting or recording studio	see general office
Transmission tower	see general office
Water treatment plant	see general office
Sewerage treatment	see general office
Power generation plant	see general office
Substation/distribution equipment, indoor	see general office
Substation/distribution equipment, outdoor	see general office
TEMPORARY USES	
Seasonal market	none
Temporary real estate sales office	none
Temporary concrete/batch plant	none
Live entertainment special event	none

b. Adjustment to Number Required. For any use except one- or 2-family residential, the number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. One space for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the use in question. Such off-site spaces shall be located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served. For a non-residential use, the off-site spaces shall not be located on a site containing a wholly residential use. Off-site parking spaces shall also conform with the regulations of the zoning district in which they are located.

b-2. One space for each on-street parking space that is located immediately adjacent to the site of the use, provided that such on-street space is available for public use during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all city parking regulations and shall measure at least 20 feet long if a parallel space.

295-403-2-c Zoning

b-3. 0.75 spaces for each space in a shared parking facility that serves different uses on a shared site or adjacent sites. An applicant requesting approval of a shared parking facility shall submit survey data substantiating a request for shared parking facility credits. The application shall describe the limits of the area in which the shared parking credits are to apply and the parking space reduction applicable to each use. The number of required parking spaces shall only be reduced if the following criteria are met:

b-3-a. The shared parking spaces shall be maintained as long as the uses they serve are in operation.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide.

b-3-d. The required number of bicycle parking spaces will be provided.

b-3-e. The property owner or owners shall sign and record, with the Milwaukee county register of deeds, a written agreement which is in a form satisfactory to the city attorney and which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the commissioner.

b-4. A reduction of 25% in the number of parking spaces required if the use is located in the area bounded by Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west or is within 1,000 feet of any regularly scheduled bus stop. This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in the designated area and in locations in close proximity to bus stops. A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.

b-5. One space for each space that the use is required to have but does not because the use was previously legally established without the currently required number of parking spaces and without a variance or special use permit from the board.

b-6. A reduction in the number of spaces required may be granted by the board upon a determination that a reduced number of spaces would be appropriate. Such reduction may occur only upon request of the owner, who shall submit survey data to support the argument for reducing the required number of spaces. In order to approve such a reduction, the board shall find either of the following:

b-6-a. The number of spaces needed to serve the use is fewer than the number normally required for this land use.

b-6-b. In the long term, occupancy of the structure or property will not result in an increase in parking demand.

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

c. For a newly-constructed commercial building or commercial building addition with over 2,000 square feet of floor area, a minimum of one bicycle parking space shall be provided for each 2,000 square feet of floor area.

d. Shared Parking Required When Feasible. d-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of share parking facilities is infeasible.

d-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

e. Exception to Exceed Maximum Number of Parking Spaces. e-1. The number of parking spaces provided for a general retail establishment, or for any land use for which the parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner finds one or more of the following to be true:

e-1-a. The additional spaces will be located in a parking structure.

e-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

e-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

e-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

e-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

e-3. If the commissioner determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

3. STANDARDS OF DESIGN. a. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner, except that spaces designated for compact cars shall contain at least 120 square feet. A minimum of 50% of the required parking spaces in a parking area shall be designated for compact cars.

b. Paving. All areas used for the parking of motor vehicles or trailers shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

c. Bicycle Parking Spaces. For each required bicycle parking space, a stationary object shall be provided to which a user can secure the frame and both wheels of a bicycle with a 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket, shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the commissioner of public works. As an alternative, the following alternative bicycle parking facilities may be provided:

c-1. Enclosed bicycle lockers.

c-2. A 3-point bicycle rack which secures the frame and both wheels of each bike.

c-3. A fenced, covered, locked or guarded bicycle storage area. Such area shall be large enough that each of the required bicycle parking spaces can accommodate a bicycle with a 3-foot handlebar width, a height of 3.5 feet from the bottom of the wheel to the top of the handlebar, and a length of 6 feet from the front of the forward wheel to the back of the rear wheel.

295-405 Zoning

d. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.

e. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

f. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

295-405. Landscaping. 1. PERIMETER LANDSCAPING AND EDGE TREATMENTS. a. Requirements by Use and Zoning District. The perimeter landscaping and edge treatment requirements prescribed in this subsection vary based on use, zoning district and location. Table 295-405-1-a indicates the type of perimeter landscaping and edge treatment, as specified in detail in table 295-405-1-c, required by use and by zoning district. To use this table, the use and zoning district should be identified first. The required landscaping type or types can then be identified. For light motor vehicle parking and heavy motor vehicle parking and storage yards, more than one landscaping type may be permitted; "required" shall mean that a particular landscaping and edge treatment type is the minimum requirement, while "allowed" indicates that another landscaping and edge treatment type is a permissible alternative to the "required" type. When the use behind perimeter landscaping or edge treatments changes and the new use requires a higher standard of landscaping or edge treatments, the perimeter landscaping or edge treatment shall be upgraded to meet the higher standard.

b. Types of Landscape Treatment. Each of the different landscaping types has its own objectives for the eye-level surveillance area (3 to 6 feet above grade), as well as for the lower zone (below 3 feet above grade) and the higher zone (above 6 feet). In general, all landscaped perimeters shall have trees planted 25 feet on center, either base shrubs or a low wall, and curbing to prevent landscaping from encroaching on public sidewalks. Variations in required landscaping and edge treatments occur because some situations require a more substantial edge, such as a masonry element or ornamental metal fencing, and because some situations call for eye-level surveillance through the perimeter area, while others dictate that the view of what is behind the perimeter should be obscured. The purposes of the individual perimeter landscaping and edge treatment types are as follow:

Table 295-405-1-a								
PERIMETER LANDSCAPING AND EDGE TREATMENT REQUIREMENTS BY USE AND ZONING DISTRICT								
Key:								
required - this is the minimum landscaping/edge treatment requirement for this land use in the specified zoning district								
allowed - this landscaping/edge treatment type may be used as an alternative to the "required" type for this land use in specified zoning district								
not permitted - this landscaping/edge treatment type cannot be used for this particular use in the specified zoning district								
use not permitted - this land use is not permitted in this zoning district; therefore, no required landscaping type is specified								
Type of use	Light Motor Vehicle Parking; Vehicle Operating Area			Motor Vehicle Sales Lot	Heavy Motor Vehicle Parking; Storage Yards		Mechanical Equipment, etc.	Lt. Motor Veh. Parking Next to Res. Use
	Type A	Type B	Type C	Type D	Type E	Type F	Type G	Type H
Zoning District								
NS2, LB2, RB2	not permitted	required	allowed	required	not permitted	required	required	required
NS1, LB1, RB1, CS	required	allowed	not permitted	required	required	allowed	required	required
C9A-C9H	not permitted	required	allowed	use not permitted	not permitted	required	required	required
IM	not permitted	required	allowed	required	not permitted	required	required	required
I02, IL2	not permitted	required	allowed	required	required	allowed	required	required
IO1, IL1	required	allowed	allowed	required	required	allowed	required	required
IH	required	allowed	allowed	required	not permitted	required	required	required
PK, TL	required	allowed	allowed	use not permitted	use not permitted	use not permitted	required	required
RM5-RM7, R02	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	required	required
RT3-RT4, RM3-RM4	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	required	required
RS1-RS6, RT1-RT2, RM1-RM2, ROI	required	allowed	not permitted	use not permitted	use not permitted	use not permitted	required	required

295-405-1-b-1 Zoning

b-1. Type "A" Landscaping (Standard Parking Lot Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, but not fences or walls. Fences are allowed, but not required. Plantings in the low-level and high-level zones shall create a continuous edge of plants. However, the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-2. Type "B" Landscaping (Standard Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, as well as fences or walls. Fences or walls shall clearly define the street edges of properties. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-3. Type "C" Landscaping (Modified Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It reduces the width of the setback and drops the base-shrub requirement in exchange for upgraded edge elements such as low-level walls. In order to maintain the low-level edge, a wall of at least 3 feet in height is required. Higher fences or walls are allowed. Fences or walls shall clearly define the street edges of properties. The crown of trees in the high-level zone shall create a continuous street edge, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-4. Type "D" Landscaping (Motor Vehicle Sales Lot Landscaping). This type is primarily intended for application along street frontages of motor vehicle sales and display lots. It requires regularly-spaced trees and continuous, lower-height base shrubs. Unlike the type A requirement, base shrubs need only grow to a height of 2 feet. This type requires fences or walls in the LB2 district, but in all other districts fences and walls are optional. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-5. Type "E" Landscaping (Heavy Motor Vehicle Parking Lots; Storage Yards). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots or storage yards. It requires regularly-spaced trees and continuous base shrubs, as well as an opaque fence or wall behind the landscaped area. The landscaped area is required to be wider than the type "F" landscaped area. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-6. Type "F" Landscaping (Urban Edge Heavy Motor Vehicle Parking Lots; Storage Yards). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots and storage yards. It requires regularly-spaced trees and continuous base shrubs located in a standard-width landscaping buffer. Fences or walls are also required, shall be located closer to the street than required landscaping and shall clearly define the street edges of properties. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-7. Type "G" Landscaping (Object Screening). This type is primarily intended to surround or visually separate utilitarian objects from street frontages. Examples of items to be screened with type "G" landscaping include mechanical equipment or enclosures, dumpsters and other trash collection equipment, and loading docks. This type of landscaping does not require trees, but does require screening from the ground level to at least 6 feet above grade. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-8. Type "H" Landscaping (Residential Buffers). This type is primarily intended to surround or visually separate parking lots and structures from residential uses. Examples of items to be screened with type "H" landscaping include parking lots for churches and schools, apartment buildings and non-residential uses, as well as principal-use parking lots and structures. This type of landscaping relies primarily on opaque fencing, but also requires trees and shrubs when the parking lot or structure provides parking for uses other than single-family or two-family dwellings, educational uses or community-serving uses. Opaque fencing provides screening from the ground to at least 6 feet above grade. Tree plantings in the eye-level and high-level zones shall create a continuous edge of plants that completely obscures the parking area from the adjacent residential use or uses. A parking structure may achieve this standard if the required opaque fence/wall is incorporated into the design of the structure itself.

c. Requirements by Landscaping Type. Table 295-405-1-c contains the fence/wall and landscaping requirements for each of the landscaping types described in par. b. Prior to issuance of any permit or certificate of occupancy for a use or change of use for which perimeter landscaping and edge treatments are required by this chapter, a landscaping and screening plan with specifications and an installation schedule shall be submitted to the commissioner for approval. When interpreting the requirements of table 295-405-1-c, the following standards shall apply:

Table 295-405-1-c FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES									
		Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping	Type F Landscaping	Type G Landscaping	Type H Landscaping
Required Fence/Wall	Fence or wall required?	optional	yes	yes	yes if located in LB2	yes	yes	optional	yes
	Fence/wall height requirements	fence optional; see below	3 ft. min.; 6 ft. max.	6 ft.	if provided, 3 ft. min.; 6 ft. max.	6 ft. min.; 9 ft. max.	6 ft. min.; 9 ft. max.	to top of object plus one ft. (min.); 9 ft. max	6 ft.; shall be reduced to 3.5 ft. when adjacent to a residential front yard
	Fence/wall materials required	fence not required	masonry or decorative metal	combination masonry/decorative metal	if LB2, masonry or decorative metal; other districts, fences are optional	any opaque fence type	any opaque fence type	any opaque fence type	any opaque fence type
	Fence/wall opacity	fence not required	no opacity standard	solid in lower 3 ft.	no opacity standard	100%	100%	100%	100%
	Fence/wall location in landscaped area	if provided, adjacent to parking	anywhere within landscaped area	anywhere within landscaped area	anywhere within landscaped area	behind landscaping	behind landscaping	between object being screened and area of visibility	adjacent to residential property line

Table 295-405-1-c									
FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES									
		Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping	Type F Landscaping	Type G Landscaping	Type H Landscaping
Allowable fence/wall	Masonry wall	up to 6 ft. high	up to 6 ft. high	up to 6 ft. high	up to 4 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high
	Decorative metal fence	up to 6 ft. high	up to 6 ft. high	up to 6 ft. high; lowest 3 ft. shall be solid wall	up to 6 ft. high	not permitted	not permitted	allowed, but a second row of shrubs shall be required	up to 9 ft. high
	Wood fence, open	up to 4 ft. high	not permitted	not permitted	if not in LB2, up to 3.5 ft. high	not permitted	not permitted	not permitted	not permitted
	Wood fence, opaque	up to 4 ft. high	not permitted	not permitted	if not in LB2, up to 3.5 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high
	Chain link fence (coated wire only)	up to 6 ft. high	not permitted	not permitted	not permitted	optional if fence has slats or mesh screening; up to 6 ft. high	optional if fence has slats or mesh screening; up to 6 ft. high	optional if fence has slats or mesh screening; up to 6 ft. high	not permitted with or without slats or mesh screening

Table 295-405-1-c FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES									
		Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping	Type F Landscaping	Type G Landscaping	Type H Landscaping
Trees and Shrubs Required & Allowed	Minimum landscaped area width	5 ft.	5 ft.	sufficient for wall, trees and optional shrubs	5 ft.	15 ft.	5 ft. ; 15 ft. if a chain-link fence is present	sufficient to accommodate required plantings; 15 ft. if a chain-link fence is present	sufficient to accommodate fence/wall and optional trees/shrubs
	Deciduous street-type trees	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	minimum 1 every 25 ft.	allowed but not required unless a loading dock is present	1 every 25 feet or where required by s. 295-405-1-b-8
	Ornamental tree option	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	optional	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide	minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide
	Shrub spacing requirement	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	one row with plants a max. of 3 ft. on center; if a masonry wall is provided, shrubs are optional	if light motor vehicle parking: one row with plants a max. of 3 ft. on center; if heavy motor vehicle parking, 2 staggered rows with plants a max. of 4 ft. on center in each row	one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row	one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row	2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft	option or, where required by s. 295-405-1-b-8, one row with plants a max. of 8 ft. on center

Table 295-405-1-c									
FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES									
		Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping	Type F Landscaping	Type G Landscaping	Type H Landscaping
Trees and Shrubs Required & Allowed	Shrub size, min, (at time of planting)	2 ft. in diameter	2 ft. in diameter	2 ft. in diameter	if light motor vehicle parking, 1.5 ft. in diameter; if heavy motor vehicle parking, 2 ft. in diameter	2 ft. in diameter	2 ft. in diameter	2 ft. in diameter	2 ft. in diameter
	Shrub height, min, (at time of planting)	2 ft.	2 ft.	2 ft.	if light motor vehicle parking, 2 ft.; if heavy motor vehicle parking, 3 ft.	6 ft.	6 ft.	6 ft.	2 ft.
	Shrub height, max. (at maturity)	3.5 ft.	3.5 ft.	3.5 ft.	if light motor vehicle parking, 3.5 ft.; if heavy motor vehicle parking, 4.5 ft.	no limit	no limit	no limit	no limit

295-405-1-c-1 Zoning

c-1. Trees. Where required, trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple and linden, that has a leaf and branch structure that creates a uniform crown and an opaque tree canopy. If ornamental trees are used, they shall be spaced not more than 20 feet apart and the landscaped area must measure at least 10 feet in width. If an ornamental tree projects over a public sidewalk, such projection shall be at least 7 feet above grade. The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.

c-2. Shrubs. Required shrubs may be either deciduous or coniferous, but shall meet the size requirements of table 295-405-1-c.

c-3. Landscaped Area. All required plantings shall be located within a landscaped area that meets the minimum width requirement of table 295-405-1-c and abuts the street property line of the property for which the landscaping is required. Where the landscaped area abuts a public sidewalk, a curb shall be provided or the landscaped area shall be recessed to prevent the depositing of soil, wood chips and other landscaping materials on the sidewalk.

c-4. Residential Buffers. A parking lot or structure which is within 25 feet of a wholly residential use shall be screened with an opaque wall or fence at least 6 feet in height erected and maintained between the parking area and the lot line separating the residential use from the parking area. If any adjoining building or fence meeting these height and opacity standards is on or substantially on the common property line, no wall or fence need be erected adjacent to the building or fence. If an adjacent building is within 3 feet of the required fence or wall, the required height may be reduced to 3.5 feet. If there is an elevation difference between the parking area and the adjacent residential use, the height of the required fence shall be measured from the point of the higher elevation. Where the required fence or wall abuts a residential front yard, the height of the fence or wall shall be reduced to 3.5 feet. In no case shall a fence or wall be less than 3.5 feet in height. Where the parking area abuts an alley, no fence or wall shall be required.

c-5. Fence or Wall. Where a masonry wall, a fence with decorative metal pickets or a combination masonry wall/fence with decorative metal pickets is required, such wall or fence shall be provided throughout the length of the landscaped area. Masonry piers shall be spaced not more than 25 feet apart and shall also be provided on corners and at changes in fence direction. Piers shall be at least 16 inches wide and 16 inches deep, and shall have a minimum height of 3 feet and a maximum height of not more than one foot above the fence or wall. A decorative metal fence shall have an opacity not exceeding 50%, with fence pickets at least 0.75 inches wide and spaced no farther apart than an average of 5 inches on center. Masonry materials shall, in terms of color, texture and material type, be similar to or compatible with the materials used on the building located on the premises for which landscaping is required. If such building is not of masonry construction, the piers may be omitted or constructed of non-masonry material.

c-6. Berms. Berms shall be permitted in all zoning districts except the downtown districts. Berms shall not be considered a substitute for the landscaping and perimeter features required under this subsection.

c-7. Additional Plantings. Additional plantings beyond the requirements of this subsection are permitted and encouraged.

c-8. Encroachment into Public Right-of-Way. The required landscaped area may encroach into the public right-of-way if a masonry-pier-and-metal fence or a masonry wall conforming with the standards of subd. 5 is provided. Such fence or wall shall be located on the non-public portion of the landscaped area. No tree or shrub shall be planted in the public right-of-way unless such planting is authorized by a permit issued by the commissioner of public works pursuant to s. 116-52.

c-9. **Maintenance.** Required landscaping and perimeter features shall be kept free of refuse and debris. All plant materials shall be maintained on an ongoing basis, including seasonal tree and plant replacement. Established trees shall not be removed and replaced with trees of smaller caliper, even if those trees meet the standards of this subsection.

2. INTERIOR PARKING LOT LANDSCAPING. a. **Trees and Shrubs Required.** Interior parking lot landscaping shall be required for any parking lot having an area of at least 7,500 square feet. Two trees and 2 shrubs shall be planted for every 8 spaces or fraction thereof, and may be planted in clusters. These landscaped areas shall cover at least 5% of the surface area of the parking lot. Trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple and linden, that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.

b. **Applicability.** b-1. The requirements of this subsection shall apply to both the construction of new parking lots and the reconstruction of existing parking lots.

b-2. A parking lot that is zoned industrial-light or industrial-heavy and does not abut or face an arterial or collector street shall be exempt from the interior parking lot landscaping requirement.

c. **Plan Required.** Prior to issuance of any permit for a use for which interior parking lot landscaping is required by this chapter, a landscaping plan with specifications and an installation schedule shall be submitted to the commissioner for approval.

d. **Waiver of Tree and Shrub Requirements.** The tree and shrub planting and preservation requirements of par. a may be waived by the commissioner if interior parking lot landscaping is to be used for bioretention, bioswales, infiltration basins or rain gardens and the commissioner approves an alternative landscaping beautification plan for the parking lot.

3. VISION TRIANGLE. a. **General.** A vision triangle shall be provided at each intersection of 2 streets, an alley and a street, or an access drive and a street in the zoning districts specified in this subsection.

b. **Description.** A vision triangle is the triangular area formed by connecting the point of intersection of the curbs at the intersection of 2 streets, or the point of intersection of the alley or driveway line with the side of sidewalk closest to the property line, with 2 other points each located an equal distance away from the point of intersection along the 2 lines that intersect. Where sidewalks are not present, the point of intersection shall be 4 feet streetside of the property line, along the alley or driveway line extended.

c. **Required Vision Triangles.** The measured distance along the intersecting lines, as specified in par. b, shall be the following:

c-1. In all zoning districts, 10 feet for the intersection of an access drive and a street.

c-2. In the RS6, RT4, RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

c-3. In the RS5, RT3 and RM3 zoning districts, 20 feet for the intersection of 2 streets or an alley and a street.

c-4. In the RS1 to RS4, RT1 and RT2, RM1 and RM2, RO1, NS1, LB1, RB1, IO1, IL1 and PK zoning districts, 25 feet for the intersection of 2 streets or an alley and a street.

c-5. In all other zoning districts, no vision triangle shall be required at the intersection of 2 streets or an alley and a street.

d. **Objects Within Vision Triangle.** Opaque fences and other opaque objects, such as but not limited to coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as but not limited to deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width, shall be permitted.

295-407 Zoning

4. **STORM WATER TREATMENT.** Any landscaping installed pursuant to this section or any other provision of this chapter, including but not limited to required landscaping for motor vehicle display areas, parking lots, storage yards, outdoor equipment and residential buffers, may be used for storm water treatment purposes.

295-407. Signs. 1. **PURPOSE.** The sign regulations in this section apply to signs on private property. The specific purposes of these regulations are to:

- a. Provide each sign user an opportunity for effective identification by applying uniform standards to entire zoning districts.
- b. Ensure that all signs are architecturally compatible and are in scale with building design.
- c. Maintain and enhance the quality of the city's appearance.
- d. Enable consumers to identify establishments offering goods and services to meet their needs.
- e. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.
- f. Protect residential districts adjoining non-residential districts from adverse impacts of excessive signs.
- g. Regulate signs attached to structures and extending into the public right-of-way.

2. **ON-PREMISE SIGNS.** a. **General.** a-1. **Sign Construction.** All signs shall meet the design and construction specifications of ch. 244.

a-2. **Maximum Sign Area.** The maximum sign area shall be as specified in the regulations for the applicable zoning district, unless additional sign area is authorized by a master sign program approved pursuant to s. 295-1017.

a-3. **Number.** See regulations for the applicable zoning district.

a-4. **Measurement of Display Area.** The display area of a sign shall be measured in accordance with s. 295-205-5.

a-5. **Illumination.** The light source for an illuminated sign shall be screened and shielded so that it is not visible from a residential district or beyond the curb line.

b. **Sign Types.** For the purpose of distinguishing different sign types and, thus, different size limitations, the following standards are set forth:

b-1. **Freestanding Signs.** b-1-a. **Type A Freestanding Signs.** A type A freestanding sign is characterized by a continuous sign base that extends from grade to the display area and is at least as wide as the display area of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as "monument signs."

b-1-b. **Type B Freestanding Signs.** A type B freestanding sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. Other types of freestanding signs which do not have the characteristics of a type A sign are included in this category. This type may be mounted on one or multiple poles, or may have a monument-type bases.

b-1-c. **Location.** No freestanding sign may project over a property line.

b-2. **Wall Signs.** b-2-a. **Type A Wall Signs.** A type A wall sign is one with a display area that does not have a background that is designed as an integral part of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: individual raised letters attached to the wall; letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back-lit; non-illuminated pin-set letters; carved entablature-type signs; other general individual-letter, non-illuminated signs. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-b. Type B Wall Signs. A type B wall sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign with a display area that is parallel to the building façade is also included in this category. Other types of wall signs which do not have the characteristics of a type A sign, including but not limited to board signs and painted-on wall signs, are included in this category. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-c. Standard for Wall Signs. No wall sign shall be erected or maintained to extend more than one-half of its height above the top of the exterior wall to which it is attached.

b-2-d. Exemption from Display Area Limitation. A professional nameplate, street address sign, historical tablet or marker, or sign indicating membership in a civic, business or professional organization shall not be included when calculating the total display area of wall signage provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-3. Awning Signs. b-3-a. Type A Awning Signs. A type A awning sign is one with letters or symbols applied to or integral with an opaque, non-translucent material covering an awning structure. Such sign may be illuminated from a general building lighting source above the awning.

b-3-b. Type B Awning Signs. A type B awning sign is one with letters or symbols applied to or integral with a translucent material covering an awning-like structure. Such sign may be internally illuminated.

b-3-c. Awnings Projecting Beyond Street Lines. Any awning which projects beyond a street line shall comply with the applicable regulations of ss. 245-6, 245-6.5 or 245-7.

b-4. Projecting Signs. b-4-a. Type A Projecting Signs. A type A projecting sign is one with a display area that does not have a background that is designed as an integral part of the sign, except that a non-illuminated wood or metal board-type sign or a permanent banner sign shall be considered a type A projecting sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back lit; non-illuminated pin-set letters. If individual letters are used on the sign, they shall be applied to or affixed to a projecting board or to a cabinet not more than 12 inches thick in order for the sign to be considered within the type A category.

b-4-b. Type B Projecting Signs. A type B projecting sign is one with a display area that has an illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. Other types of projecting signs which do not have the characteristics of a type A sign are included in this category.

b-4-c. Maximum Projection. A projecting sign shall not project more than 4 feet from the building face to which it is attached.

b-4-d. Minimum Clearance. A minimum clearance of 10 feet between grade and the bottom of the sign shall be provided, except in the historic third ward (the area designated by common council resolution 870501), where the minimum clearance shall be 8.5 feet.

b-4-e. Projection into Right-of-Way. All projecting signs shall comply with the applicable provisions of s. 244-10.

b-5. Canopy and Hood Signs. b-5-a. Type A Canopy and Hood Signs. A type A canopy or hood sign is characterized by individual letters or symbols which may be internally illuminated. It may also include a sign panel which is integral to the hood or canopy structure, except that the illuminated letters and symbols are cut from an opaque panel. In order for a canopy or hood sign consisting of individual letters affixed to a cabinet to be considered a type A sign, the cabinet shall be not more than 12 inches thick.

b-5-b. Type B Canopy and Hood Signs. A type B canopy or hood sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign which is hung from or mounted on top of a canopy or hood. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

b-5-c. Canopies and Hoods Projecting Beyond Street Lines. Any canopy or hood sign which projects beyond a street line shall comply with the applicable regulations of ss. 245-8, 245-9 or 245-10.

b-6. Roof Signs. b-6-a. Type A Roof Signs. A type A roof sign is characterized by individual letters or symbols which may be internally illuminated and shall be attached to a framework that is as invisible as possible and does not create a background that could become an integral part of the sign.

b-6-b. Type B Roof Signs. A type B roof sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. It may also include a sign panel which is integral to the structure, but creates a background that becomes an integral part of the sign.

b-7. Permanent Window Signs. b-7-a. General Regulations. A permanent window sign is characterized by individual letters or symbols painted or placed on the glazed portion of a window such that window transparency of at least 75% is maintained. A neon sign, board-type sign or plastic-faced box sign placed in a window shall also constitute a permanent window sign. Not more than 25% of the glazed area of a window may be covered by permanent window signs. The display area of a permanent window sign shall be calculated in accordance with s. 295-205-5. In no case shall permanent window signs reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-b. Opaque Backgrounds. Not more than 25% of the glazed portion of a window may be opaquely painted for the purpose of creating a sign or sign background. In no case shall such painting reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-c. Permanent Window Signage in Excess of 25% of Window Area. Permanent window signs or opaque window painting may exceed 25% of the area of a window provided the area of such signs or painting is included in the calculation and regulation of wall signage on the premises.

b-7-d. Exemption from Display Area Limitation. Informational signs placed in windows, including but not limited to signs pertaining to hours of operation, the "OPEN" or "CLOSED" status of the establishment, credit cards honored or membership in civic, business or professional organizations, shall not be included when calculating the display area of permanent window signs provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-8. Temporary Window Signs. A temporary window sign is characterized by advertising on paper, cardboard or other flexible material placed inside the glazed portion of a window, said advertising typically, but not always, referring to a sale, promotion or other event that is temporary in nature. Temporary window signs shall meet the following standards:

b-8-a. The aggregate area of all temporary window signs in a window shall not exceed 25% of the area of the glazed portion of the window. This temporary window signage is in addition to any conforming permanent window signage in the same window.

b-8-b. Temporary window signs shall be located on the inside of a window, facing out.

b-8-c. Temporary window signs shall be displayed for not more than 30 days in one calendar year.

b-8-d. Temporary window signs installed prior to October 1, 2002 shall be removed within 30 days.

3. SPECIAL SIGN TYPES. a. Temporary Banner Signs; General. Temporary banner signs are prohibited, except the following or signs permitted under par. b, which shall be permitted provided such signs are attached or supported in accordance with the applicable provisions of s. 244-5:

a-1. Temporary banner signs for construction projects, provided such signs meet the size limitations for the zoning districts in which they are located. Such signs may be placed on construction fences if the site is vacant.

a-2. Temporary banner signs for grand openings. Such signs shall not be displayed for more than 60 days.

a-3. Temporary banner signs advertising special events, such as but not limited to anniversary celebrations, but not including sales promotions. Not more than 2 signs of this type may be erected on

a premises in one calendar year, and the cumulative display period for such signs shall not exceed 60 days. A convention and exposition center shall be exempt from the time and number limitations of this subdivision for banners advertising events at the facility.

b. **Temporary Banner Signs; Large Buildings.** Whenever an existing or proposed building is 4 stories or greater in height and has at least 50,000 square feet of gross floor area, the number and display area of temporary banner signs may exceed the limitations of par. a and the sign limitations for the zoning district in which the building is located if the following standards are met:

b-1. The purpose of the temporary banner signs is to do either or both of the following:

b-1-a. Advertise the conversion of the building into condominium form of ownership.

b-1-b. Market a new or fully-renovated building for sale or lease.

b-2. All temporary banner signs meet the following design standards:

b-2-a. Signs permitted pursuant to this paragraph shall be rigid, board-type signs or signs made of fabric or other flexible material that are rigidly affixed to the building at all corners of each sign.

b-2-b. The display area of temporary banner signs for each building façade shall not exceed one percent of the gross area of the building facade. Signs may be mounted on a maximum of 2 building faces.

b-2-c. If the site on which the building is located contains more than one principal building, each principal building may have temporary banner signs as permitted in this paragraph.

b-2-d. On a site of 2 acres or less, the maximum display area of a temporary freestanding banner sign shall be 48 square feet. On a site larger than 2 acres, the maximum display area of a temporary freestanding banner sign shall be 96 square feet. The maximum height of all temporary freestanding banner signs shall be 14 feet. Only one temporary freestanding banner sign shall be permitted on each site. This sign shall be in addition to temporary wall banner signs permitted under this paragraph.

b-2-e. No sign permitted pursuant to the provisions of this paragraph may face an existing building on an adjacent lot or across a public right-of-way if the sign is within 50 feet of that building.

b-3. Temporary banner signs shall not cover windows or doors, be hung on or adjacent to fire escapes or be hung over other facilities or equipment deemed necessary for the safety of the building.

b-4. All temporary banner signs shall be removed within 6 months of the date the permit for the signs was issued.

b-5. All temporary banner signs shall be maintained in good condition. Weathered or torn signs shall be removed or replaced.

b-6. Temporary banner signs shall be in compliance with any additional overlay district regulations, renewal district regulations or other applications that also apply to the site.

c. **Automatic Changeable Message Signs.** Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

d. **Menu Boards.** Menu boards for fast-food/carry-out restaurants shall be permitted provided they have a maximum display area of 30 square feet or as approved by the board as part of the plan of operation for a special use. The maximum height of menu boards shall be 6 feet. The display area of menu boards shall be excluded when calculating the total display area of signs on a premises.

e. **Entrance/Exit Signs.** Entrance and exit signs shall be permitted provided the display area of such signs does not exceed 6 square feet and a business name or advertising does not occupy more than one-third of the display area. Such signs shall be excluded when calculating the total display area of signs on a premises. If an entrance or exit sign exceeds 6 square feet in area, or if a business name or advertising occupies more than one-third of the display area, the portion of the sign in excess of 6 square feet or the portion containing a business name or advertising, respectively, shall be included in the calculation of total display area of signs on the premises.

4. AUTOMATIC CHANGEABLE MESSAGE SIGNS. For purposes of this subsection, an automatic changeable message sign is an on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs.

295-407-4-a Zoning

In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. The display area, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 30 seconds.

NOTE: Within 4½ years of April 10, 2010, the commissioner of public works shall evaluate the traffic-safety impacts of this ordinance's increase in the maximum allowable frequency of message changes on an on-premise automatic changeable message sign and report the findings of this evaluation to the common council. This ordinance shall be null and void 5 years after April 10, 2010 unless reauthorized by the common council.

d. In addition to the provisions of pars. a to c, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

d-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

d-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

d-4. Audio speakers and all forms of pyrotechnics are prohibited.

d-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

d-5-b. A permit holder may appeal the commissioner of neighborhood services' order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-6. The commissioner of neighborhood services may enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

d-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

d-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

NOTE: s. 295-407-4-d shall be null and void on and after March 31, 2011.

5. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

6. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.

7. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

295-407-8 Zoning

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. Automatic Changeable Message Signs. No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

8. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that in the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in s. 12.04(1)(a), Wis. Stats.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.

e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. No sign of this type shall exceed applicable height or area limitations or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.

- f. The changeable copy or message portion of a theater marquee or reader board.
 - g. Painted murals, permanent banners and flags not containing commercial messages.
 - h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.
 - i. Holiday decorations, lights and displays.
 - j. Construction or advisory signs installed by units of government.
 - k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.
 - L. "NO TRESPASSING," "NO DUMPING" and similar signs not exceeding 6 square feet in area.
 - m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles
- 9. PROHIBITED SIGNS.** The following signs are prohibited:
- a. Animated signs, including pennants, streamers, roof-mounted balloons and other inflatable objects, unless part of a master sign program.
 - b. Automatic changeable message signs, except:
 - b-1. Signs providing time or temperature information only.
 - b-2. Signs with messages that change not more than once every 60 seconds, except as specified in sub. 4-d.
 - b-3. Signs that are part of an approved master sign program.
 - c. Portable signs.
 - d. Flashing signs.
 - e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.
 - f. Signs attached to light poles, canopy supports or utility masts.
 - g. Temporary banner signs, except as permitted under sub. 3.
 - h. Abandoned signs.

295-409. Lighting. In all zoning districts, with the exception of automatic changeable message signs, as provided in s. 295-407-4-d, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

- 1. No light source shall be visible from an adjoining property or public right-of-way.
- 2. Where adjoining properties are zoned residential, the maximum illumination at a property line shall be one foot-candle. In all other circumstances, the maximum illumination at a property line shall be 5 foot-candles.

295-411. Encroachments into the Public Right-of-way. See ch. 245.

295-413. Transmission Towers. 1. LIMITED USE STANDARDS. Whenever a transmission tower is a limited use, the permit applicant shall submit, to the department, plans and other permit application materials which demonstrate that the facility will comply with the following standards. If the department finds that the tower will not meet these standards, the tower may only be permitted upon the granting of a special use permit by the board.

- a. All ground-level equipment, storage buildings and structural support elements shall be screened by a landscaped buffer which completely surrounds such equipment or structures, except for necessary openings for sidewalks or driveways that provide access to the equipment or structures.

295-413-1-b Zoning

The buffer shall be located no farther than 5 feet from the equipment or structures, measured at the nearest point of the buffer to the equipment or structures. The buffer shall be at least 5 feet wide and meet the standards for type "G" landscaping set forth in s. 295-405-1.

- b. All access drives shall be paved.
- c. The tower shall not be illuminated except as required by the federal aviation administration or other applicable government regulations.
- d. If the tower is freestanding and any abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required, the base of the tower shall be set back from the property lines of such abutting property a distance equal to at least 25% of the tower's height.
- e. No structure other than related accessory structures may be located in an area 20 feet on each side of the radial line between the center of the transmission tower and each guy anchorage.
- f. No tower guy anchor or enclosure for the same may be located closer than 30 feet to any lot line, street line or street line extended if the abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required.
- g. The tower's design shall be as advanced as technologically feasible and appropriate for individual site characteristics and proximity to other buildings and uses.
- h. If the tower will be located within 1,000 linear feet of any dwelling unit or any structure for which an occupancy certificate is required, the tower permit applicant shall take steps to protect such dwelling units and structures from adverse impacts of the tower. Such steps may include installation of landscaping or buffering beyond what is required in this subsection, provision of informational materials about the construction and operation of the tower, and scheduling of informational meetings with owners and residents of abutting properties to discuss tower design and construction.
- i. The transmission tower permit applicant shall provide a written statement that the permit applicant has made every reasonable effort to locate reception/transmission systems on existing structures. This statement shall be accompanied by documentation that demonstrates that such efforts have been made.
- j. When a new transmission tower is erected, it shall be designed to accommodate multiple reception/transmission systems and related equipment. A tower for television or radio facilities shall be designed to support at least 3 additional reception/transmission systems having power equal to or greater than that of the reception/transmission system which the tower is initially built to support. For any transmission tower other than a tower for television or radio facilities, the total number of reception/transmission systems the tower shall be designed to accommodate shall be as follows:

Tower Height	Number of Reception/Transmission Systems
0-50 feet	1
51-150 feet	2
151-250 feet	4
251-350 feet	6
over 350 feet	6 plus 2 for each 100 feet or fraction thereof over 350 feet

k. In addition to presenting a tower design which can accommodate multiple reception/transmission systems and related equipment as required by par. j, the permit applicant shall provide a written statement indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users. To the extent not precluded by physical, mechanical or regulatory limitations, the tower owner or developer shall allow for co-location of reception/transmission systems on the tower at fair market rental rates. The statement may be accompanied by supporting documentation which describes the tower owner or developer's record of making space on the owner or developer's other towers available to other users.

L. If the tower will be used for the transmission of television or radio signals, the tower owner or developer shall provide evidence that construction of the tower may ultimately lead to a net reduction in the total number of transmission towers in the city.

m. No existing transmission tower shall be located within 500 feet of the proposed tower location.

2. ABANDONED TOWERS. Whenever any transmission tower has ceased to be used for the transmission or reception of radio frequency waves for a period of 12 consecutive months, such tower shall be considered abandoned. An abandoned transmission tower shall be removed within 90 days of the end of such 12-month period. Any discontinuance of transmission tower use caused by governmental action and without any contributing fault by the tower user whose use of the tower was discontinued shall not be considered in calculating the length of discontinuance.

3. RECONSTRUCTION OF NONCONFORMING TOWERS. Notwithstanding the provisions of s. 295-415, a nonconforming transmission tower which is destroyed or damaged by fire, storm or other casualty, to the extent that the cost of reconstruction exceeds 50% of the tower's market value at the time of such loss, may be reconstructed provided that the tower owner complies with all applicable requirements for transmission towers specified in sub. 1, and provided that the height of the new tower does not exceed the height of the tower that was destroyed or damaged.

295-415. Nonconformities. 1. PURPOSE. The purpose of this section is to establish regulations governing nonconforming lots, structures and uses and, further, to:

a. Allow nonconforming lots to be used for single-family homes and accessory structures.

b. Permit structural alteration or enlargement, but not reconstruction, of nonconforming nonresidential structures that contain conforming uses.

c. Permit structural alteration, enlargement or reconstruction of nonconforming residential structures or uses.

d. Encourage nonconforming special uses to obtain board approval, but to allow such uses to continue without being subject to many of the restrictions that are customarily imposed on nonconforming uses.

e. Allow nonconforming prohibited uses of structures and land to continue, with ordinary repairs and maintenance, but to encourage that such structures and land eventually be used in a conforming manner.

f. Encourage the alteration, repair and maintenance of conforming uses in nonconforming structures and nonconforming special uses as long as the alteration, repair or maintenance is consistent with this code and with any applicable elements of the city's comprehensive plan.

2. NONCONFORMING SPECIAL USES. a. Enlargement, Alteration or Intensification. No nonconforming special use, or the buildings, site features or structures associated with such use, shall be enlarged, altered or intensified without the approval of the board except as follows:

a-1. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of a nonconforming special use without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this code, and the addition, enlargement, expansion or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan.

a-2. Site Plan Changes. Parking areas, landscaping, signs, canopies, fences, awnings or similar site features for a nonconforming special use may be expanded, enlarged or rebuilt without board approval provided that the expansion, enlargement or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not expand or intensify the nonconformity. In addition, whenever any such change to the parking area of a nonconforming special use occurs, the parking plan for such parking area shall be subject to approval by the commissioner of public works.

295-415-3 Zoning

a-3. Repairs and Maintenance. The buildings, site features and structures of a nonconforming special use may be repaired and maintained in compliance with this code without board approval.

b. Change Of Use. A non-conforming special use may be changed to another special use enumerated under the regulations of the district in which the use is located only with board approval.

c. Discontinuance Of Use. If the nonconforming special use of a structure, or of a structure and premises in combination, is discontinued for a period of 12 months, such use shall not be resumed thereafter without approval of the board. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming special use, shall not be considered when calculating the length of discontinuance.

d. Deterioration Or Damage. If a structure occupied by a nonconforming special use has deteriorated or is damaged such that its reconstruction ratio, as calculated pursuant to par. e, exceeds 50%, the nonconforming special use shall not be resumed except with approval of the board.

e. Reconstruction Ratio. A reconstruction ratio shall be computed as follows:

$$\begin{array}{lcl} & \text{Estimated cost of restoring the} \\ \text{Reconstruction} & \text{structure to its prior condition} \\ \text{Ratio} & = & \text{-----} \\ \text{(percent)} & & \text{Estimated cost of duplicating the} \\ & & \text{entire pre-existing structure} \end{array}$$

Estimates of reconstruction ratios shall be based on building industry standard unit costs.

3. NONCONFORMING PROHIBITED USES OCCUPYING STRUCTURES. a. Nonconforming Prohibited Uses. A nonconforming prohibited use may be continued subject to the following regulations:

a-1. Deterioration or Damage. If a structure occupied by a nonconforming prohibited use has deteriorated or is damaged in excess of 50% of its assessed value, the nonconforming prohibited use shall cease operation and shall not be resumed thereafter.

a-2. Extension of Use. The nonconforming prohibited use shall not be intensified, enlarged or extended to other parts of the structure, or extended to occupy any lands outside the structure, that were not occupied by the nonconforming prohibited use on the date such use became a nonconforming prohibited use.

a-3. Change of Use. The nonconforming prohibited use may be changed to another use permitted in the district in which the nonconforming use presently occupying the structure is located, or to a use permitted in a more restrictive district, provided such change will not intensify use of the structure.

a-4. Discontinuance of Use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the provisions of this chapter.

a-5. Conforming Structures. Conforming structures occupied by nonconforming prohibited uses may be altered or relocated to any other location on the same lot, provided that such structure continues to conform with the requirements of the district in which it is located.

b. Exception For Nonconforming Prohibited Residential Uses. A nonconforming prohibited residential use may be extended, by alteration or enlargement of a structure, by not more than 25% of the existing habitable floor area or 400 square feet, whichever is less, provided that the number of dwelling units is not increased.

4. NONCONFORMING STRUCTURES. a. Repair And Maintenance. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance.

b. **Enlargements, Alterations Or Relocation.** b-1. A nonconforming structure occupied by only conforming uses may be enlarged or structurally altered provided that the enlargement or structural alteration does not exceed 50% of the existing gross floor area and does not increase the existing dimensional nonconformity of the structure or create additional nonconformities.

b-2. A nonconforming structure occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated.

b-3. A nonconforming structure occupied by a nonconforming prohibited use shall not be enlarged, relocated or structurally altered.

c. **Deterioration or Damage.** A nonconforming structure which has deteriorated or is damaged by fire or other casualty such that its reconstruction ratio, as calculated pursuant to sub. 2-e, exceeds 50%, may not be reconstructed unless either of the following is true:

c-1. Such reconstruction will result in the structure conforming to all applicable regulations of the zoning district in which it is located and will not increase the dimensional nonconformity of the structure.

c-2. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. **Exception For Nonconforming Residential Structures.** A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

5. NONCONFORMING VACANT LOTS. In any district in which single-family dwellings are permitted, one single-family dwelling and permitted accessory structures may be erected on any vacant, single nonconforming lot, provided that:

a. The lot has been legally created.

b. The setback and lot coverage requirements of the district are complied with.

c. The lot complies with all other applicable regulations of the district.

6. NONCONFORMING PROHIBITED USES OF LAND. No nonconforming prohibited use of land shall be:

a. Extended beyond the area of land occupied by, or devoted to, the nonconforming prohibited use.

b. Intensified.

c. Relocated, in whole or in part, to any portion of the same lot not theretofore occupied by the nonconforming prohibited use, unless the use will thereafter conform to all applicable regulations of the district in which it is located.

d. Changed to any use other than a use that is a permitted use or special use in the district in which it is located, subject to board approval of any special use.

295-415-7 Zoning

e. Resumed if discontinued for a period of 12 months. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming prohibited use, shall not be considered when calculating the length of discontinuance.

7. NONCONFORMING USES AND STRUCTURES IN SHORELAND-WETLAND DISTRICTS. a. Environmental Control Facilities. This section shall not limit the repair, reconstruction, renovation, remodeling or expansion of any environmental control facility in existence on May 7, 1982.

b. Boat Houses. The maintenance and repair of boat houses which were legally constructed but which are located below the ordinary high-water mark of any navigable waters shall comply with s. 30.121, Wis. Stats.

8. PARKING NONCONFORMITIES. a. Enlargements of Existing Buildings. Whenever an existing principal building is enlarged, parking spaces shall be provided for the enlargement in accordance with s. 295-403 and the off-street parking requirement for the building's use and zoning district, even if the building in its pre-enlargement state was not in compliance with applicable off-street parking requirements.

b. Change of Use. If the use of a premises is changed to a use having a greater requirement for parking spaces than the previous use, additional parking spaces shall be provided for the new use in accordance with s. 295-403 and the applicable off-street parking requirement for that particular use and zoning district. If the principal building was erected before February 19, 1953, the number of parking spaces added shall be the difference between the number required for the previous use and the number required for the new use. This paragraph does not apply in a downtown zoning district, other than the C9A district, where a use is changed to a permitted use in that district.

c. Reduction in Number of Spaces Provided; When Allowed. Any parking spaces provided as accessory to an existing principal use or structure as of October 1, 2002 shall not be reduced in number below the requirements of this chapter. Any parking spaces which are provided on or after October 1, 2002 as accessory to an existing principal use or structure but which are not required by this chapter need not meet the number-of-parking-spaces requirements of this chapter, but shall meet the design standards of s. 295-403-3.

9. FLOODPLAIN OVERLAY ZONES. a. General. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of s. 295-1011 may continue subject to the following conditions:

a-1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this subsection and s. 295-1011. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

a-2. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure does not constitute an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

a-3. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

a-4. The city shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

a-5. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this subsection. Contiguous dryland access must be provided for residential and commercial uses in

compliance with s. 295-1011-10-b. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

a-6. Except as provided in subd. a-7, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current code requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

a-7. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

a-8. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with s. 295-1011-9-b, flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 295-1011-14 are used.

b. Floodway Overlay Zone. b-1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway overlay zone, unless such modification or addition meets all of the following criteria:

b-1-a. The modification or addition has been granted a permit or variance which meets all code requirements.

b-1-b. The modification or addition meets the requirements of par. a.

b-1-c. The modification or addition will not increase the obstruction to flood flows or regional flood height.

b-1-d. The modification or addition will be floodproofed, pursuant to s. 295-1011-14, by means other than the use of fill, to the flood protection elevation.

b-2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway overlay zone shall meet the applicable requirements of this code and ch. Comm 83, Wis. Adm. Code, as amended.

b-3. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing well in a floodway overlay zone shall meet the applicable requirements of this code and chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

c. Flood Fringe Overlay Zone. c-1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the city, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 295-1011-10-b to m, except where subd. 2 is applicable.

c-2. Where compliance with the provisions of subd. 1 would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board, using the procedures established in s. 295-311-4-e, may grant a variance from the provisions of subd. 1 for modifications or additions, using the criteria listed in this subdivision. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if all of the following conditions are met:

c-2-a. No floor is located below the regional flood elevation for residential or commercial structures.

c-2-b. Human lives are not endangered.

c-2-c. Public facilities, such as water or sewer, will not be installed.

c-2-d. Flood depths will not exceed 2 feet.

295-417 Zoning

c-2-e. Flood velocities will not exceed 2 feet per second.

c-2-f. The structure will not be used for storage of materials as described in s. 295-1011-10-f.

c-3. If neither the requirements of subds. 1 or 2 can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use shall be allowed in the flood fringe overlay zone if all of the following conditions are met:

c-3-a. The addition meets all other regulations and will be allowed by permit or variance.

c-3-b. The addition does not exceed 60 square feet in area.

c-3-c. In combination with other previous modifications or additions to the building, the addition does not equal or exceed 50% of the present equalized assessed value of the building.

c-4. Any new private sewage disposal system, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of this code and ch. Comm 83, Wis. Adm. Code, as amended.

c-5. Any new well, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this code and ch. NR 811 and NR 812, Wis. Adm. Code, as amended.

d. Flood Storage Overlay Zone. No modifications or additions shall be allowed to any nonconforming structure in a flood storage overlay zone unless the standards in s. 295-1011-11-b are met.

10. CONTINUATION OF NONCONFORMITIES. All nonconforming lots, nonconforming structures and nonconforming prohibited uses, including nonconforming prohibited uses which were special uses approved by the board at the time they became nonconforming, may continue subject to the restrictions in this section. However, once a nonconforming prohibited use is replaced by a conforming use, the use shall not be changed back to a nonconforming prohibited use. In addition, where an existing special use which has been approved by the board is rendered nonconforming by a change in the zoning map, such use may be continued as a nonconforming use provided that it receives board approval as a special use, notwithstanding the new prohibited-use status of the use. The regulations of this section shall not apply to any change to an existing structure or any change in the use of a structure or of land for which a permit was issued prior to the amendment of this chapter which created the nonconformity.

295-417. Reconstruction of Residential Uses. Notwithstanding any provision of this chapter, any residential use existing on October 1, 2002 may be reconstructed to its existing dimensions and number of dwelling units. This exception shall not apply to accessory structures. For a nonconforming prohibited residential use, the building permit for reconstruction shall be obtained within 18 months of the date of the demolition, fire or other casualty that destroyed the previous structure.

295-419. Filling or Grading of Land. Whenever the filling or grading of land, as defined in s. 289-1, will result in an increase in elevation above the existing finished grade, at any location on a lot, that exceeds the maximum allowable height of a wholly opaque fence at that particular location on the lot under the fence height regulations of the relevant zoning district, the filling or grading may only be permitted upon the granting of a special use permit by the board. A permit for the filling or grading may also be required pursuant to ch. 289. For purposes of this section, when calculating elevation above existing finished grade, the height of existing or proposed fences shall be included.

295-421. Native Vegetation. All land development or redevelopment activities shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants. This shall not include preservation of Canada thistle, leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

[Pages 763 to 770 are blank]